

RESOLUTION NO. _____

Resolution Of The City Council Of The City Of Emeryville Appropriating \$300,000 From Unallocated Fund 475 To CIP No. 19475008

WHEREAS, in January 2018, the City of Emeryville submitted a project application for \$4.2 million in construction funding for the “Quiet Zone Safety Engineering Measures” (“Project”) with a required total estimated match of about \$1.8 million (30% funded by ACTC), for a total construction value of \$6 million; and

WHEREAS, on May 16, 2018, the California Transportation Commission (CTC) approved the 2018 Trade Corridor Enhancement Program Final Adopted Program of Projects which included funding of the City’s Project application; and

WHEREAS, the construction of the project was distributed between a City Contractor, and Union Pacific Rail Road (UPRR); and

WHEREAS, on February 15, 2022, the City Council authorized the City Manager to enter into a contract with Bay Cities Paving And Grading, Inc. as the City Contractor in an amount of \$2,269,819.11; and

WHEREAS, In February 2021, an agreement was executed with UPRR for the 65th, 66th, and 67th crossings, requiring the City to cover all costs incurred by UPRR related to the construction of their portion of the project; and

WHEREAS, construction started in June 2022 with both Bay Cities Paving and Grading, Inc. and UPRR however, despite the approved design modifications for the project, the City encountered significant challenges with scheduling the UPRR construction crews; and

WHEREAS, on August 5, 2024, the Quiet Zone in Emeryville went into effect with an opening ceremony; and

WHEREAS, on September 3, 2024, the City Council accepted the Project as complete, and appropriated \$2,300,000 from Fund 475 in the CIP Project No. 19475008; and

WHEREAS, additional invoices from Union Pacific have been sent to the City with requests for payment including new railroad track crossing work completed from September 2024 to January 2025, and additional delayed invoices from before August 2024 that were not available as the Project was accepted as complete at City Council on September 3, 2024; and

WHEREAS, the work included in the new invoices are the responsibility of the City to pay pursuant to the Authorization and Reimbursement Agreements that were signed as part of the Project’s negotiations in 2021; and

Resolution No. _____
QZ Project – Final Budget Modification
City Council Meeting | June 17, 2025
Page 2 of 2

WHEREAS, the invoices amount to \$267,193 and staff recommends funding of \$300,000 to pay the current invoices and an allowance to address any further invoices that may be received from Union Pacific during their project closeouts in calendar year 2025; and

WHEREAS, Staff recommends that City Council appropriates \$300,000 from unallocated Fund 475 to CIP Project No. 19475008; and

WHEREAS, the cumulative project costs are now \$12,074,666; now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville that they appropriate \$300,000 from Fund 475 into CIP No. 19475008.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, June 17, 2025, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy
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CITY ATTORNEY